IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20387 of 2004

Between:

Mekala Sabhapathi, S/o. Ramaiah, S.G.Assistant,
Sri Sharada Nilayam High School, Kadapa, Kadapa District.

....PETITIONER

AND

1 The Director of School Education, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa.
3 The District Educational Officer, Kadapa.
4 Sri Sharada Nilayam High School, Rep. by its Correspondent, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not promoting the petitioner as B.Ed.Assistant, (S.S) though he is fully eligible the qualified as illegal, arbitrary, contrary to rules, violation of articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to promote the petitioner as B.Ed. Asst., (S.S.),

Counsel for the Petitioner:MR.C.SRINIVASA BABA

Counsel for the Respondents :1 to 3: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.4: --

The Court at the stage of admission made the following :

ORDER:

The petitioner is working as a Secondary Grade Assistant in the 4th respondent school, since 1995. He contends that he got eligibility to get promotion as a "B.Ed. Assistant" in the year 1992. But his case was not considered for a very long time. Ultimately the 4th respondent made a proposal to promote the petitioner as a B.Ed. Assistant and wrote a letter dated 14.10.2004 to the 2nd respondent seeking permission to promote the petitioner and others. The grievance of the petitioner is that the 3rd respondent did not pass any order on the said proposal. Therefore, he approached this Court through this writ petition seeking to declare the action of the respondents in not promoting him to the post of B.Ed Assistant (Social Studies) as illegal and arbitrary and consequently to direct the respondents to promote him as a B.Ed Assistant.

There is a procedure prescribed for promotions under the rules. A direction cannot be given directly to promote an employee to the higher post. The Management of the 4th respondent submitted a proposal to the 3rd respondent seeking permission to promote the petitioner as a B.Ed Assistant and the order on the approval is awaited.

In the light of the above circumstances, the 3rd respondent is directed to take appropriate steps on the representation of the 4th respondent dated 14.10.2004 and forward the same to the 2nd respondent for appropriate orders and the 2nd respondent on receipt of the said proposal from the 3rd respondent shall pass appropriate orders within eight weeks from the date of receipt of the said proposal.

Accordingly, the writ petition is disposed of without

any order as to costs..

05.11.2004.

MRKR

Note: Furnish Copy by tomorrow.

B/o

MRKR

To

1 The Director of School Education, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa.
3 The District Educational Officer, Kadapa.
4 The Correspondent, Sri Sharada Nilayam High School, Kadapa.

5. Two C.Cs to the Government Pleader for School Education, High Court Buildings, Hyderabad.(OUT)

6. Two C.D copies